

Ford Greene, Esquire
California State Bar No. 107601
HUB LAW OFFICES
711 Sir Francis Drake Boulevard
San Anselmo, California 94960-1949
Telephone: (415) 258-0360

PAUL MORANTZ, ESQ.
P.O. Box 511
Pacific Palisades, CA 90272
(310) 459-4745

AttorneyS for Defendant
GERALD ARMSTRONG

30
ORIGINAL FILED

JUL 25 1994

LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY)
INTERNATIONAL, a California)
not-for-profit religious)
corporation;)

Plaintiffs,)

vs.)

GERALD ARMSTRONG; DOES 1)
through 25, inclusive,)

Defendants.)

No. BC 052395

DECLARATION OF FORD GREENE
IN OPPOSITION TO CSI'S MOTION
FOR SUMMARY ADJUDICATION

DATE: August 2, 1994
TIME: 8:30 a.m.
DEPT: 30

AND RELATED CROSS-COMPLAINT

Discovery Cut Off: 11/7/94
Disco Motion Cut Off: 11/21/94
Trial Date: 11/7/94

FORD GREENE declares:

1. I am an attorney licensed to practice law in the Courts
of the State of California and am the attorney of record for
Gerald Armstrong, defendant herein.

2. I was the attorney of record for Richard and Vicki

1 Aznaran in the case entitled Aznaran v. Church of Scientology,
2 United States District Court, Central District of California, Case
3 No. 88-1786-JMI((Ex). Attached hereto are true and correct copies
4 of documents in that case as follows:

5 Exhibit A: Declaration of Sam Brown dated August 26, 1991.

6 Exhibit B: Declaration of Laurie J. Bartilson dated August 30,
7 1991.

8 Exhibit C: Declaration of Kenneth Long dated September 10,
9 1991;

10 Exhibit D: Declaration of Peter Jacobs dated October 7, 1991;

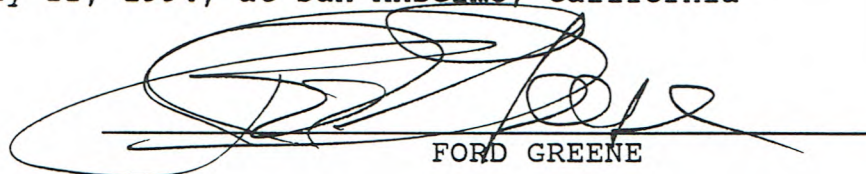
11 Exhibit E: Declaration of Lawrence Heller dated November 12,
12 1991;

13 Exhibit F: Declaration of Laurie J. Bartilson dated March 16,
14 1992.

15 3. On March 3, 1992, I was present at a proceeding before
16 the Honorable Michael Dufficy of the Marin County Superior Court
17 where the above captioned case was first filed. Attached hereto
18 as Exhibit G in a true and correct copy of the transcript of said
19 proceeding.

20 Under penalty of perjury pursuant to the laws of the State of
21 California I hereby declare that the foregoing is true and correct
22 according to my first-hand knowledge, except those matters stated
23 to be on information and belief, and as to those matters, I
24 believe them to be true.

25 Executed on July 22, 1994, at San Anselmo, California

26
27 
28 FORD GREENE

PROOF OF SERVICE

I am employed in the County of Marin, State of California. I am over the age of eighteen years and am not a party to the above entitled action. My business address is 711 Sir Francis Drake Boulevard, San Anselmo, California. I served the following documents: DECLARATION OF FORD GREENE IN OPPOSITION TO CSI'S MOTION FOR SUMMARY ADJUDICATION on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California:

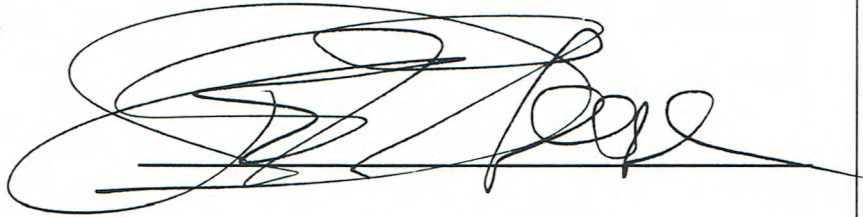
Andrew Wilson, Esquire
WILSON, RYAN & CAMPILONGO
235 Montgomery Street, Suite 450
San Francisco, California 94104

LAURIE J. BARTILSON, ESQ.
Bowles & Moxon
6255 Sunset Boulevard
Suite 2000
Los Angeles, California 90028
(By Telecopier)

[x] (By Mail) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California.

[x] (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

DATED: July 22, 1994



DECLARATION OF SAM BROWN

1
2 I, Sam Brown, hereby declare:

3 1. I am over the age of eighteen. I am a licensed
4 private investigator in northern California. I run an
5 investigation firm called Sam Brown and Associates. I
6 have personal knowledge of the facts set forth below,
7 except as stated to be on information and belief, and as
8 to those facts, I believe them to be true. If called
9 upon to do so, I could and would competently testify
10 thereto.

11 I ran a surveillance outside the law offices of
12 Ford Greene at 711 Sir Francis Drake Boulevard, San
13 Anselmo, California during the period from August 15
14 through August 21, 1991. I have been informed and
15 believe that Greene is the attorney for plaintiffs in the
16 case of Aznaran v. Church of Scientology of California,
17 et al., Case No. CV 88-1786 JMI (Ex) in Los Angeles
18 Federal court.

19 3. During the course of this surveillance, a white
20 male having long brown hair tied back in a pony tail, was
21 observed entering and leaving the Greene law offices each
22 day from the 15th through the 21st. This man spent most
23 of the day at the offices. He was also observed bringing
24 in boxes from Kinko's copy center.

25 4. This individual was videotaped entering and
26 leaving the building and standing in front of it on

1 | several different days. Some portions of the video have
2 | been printed as still photographs and are attached hereto
3 | as exhibit A.

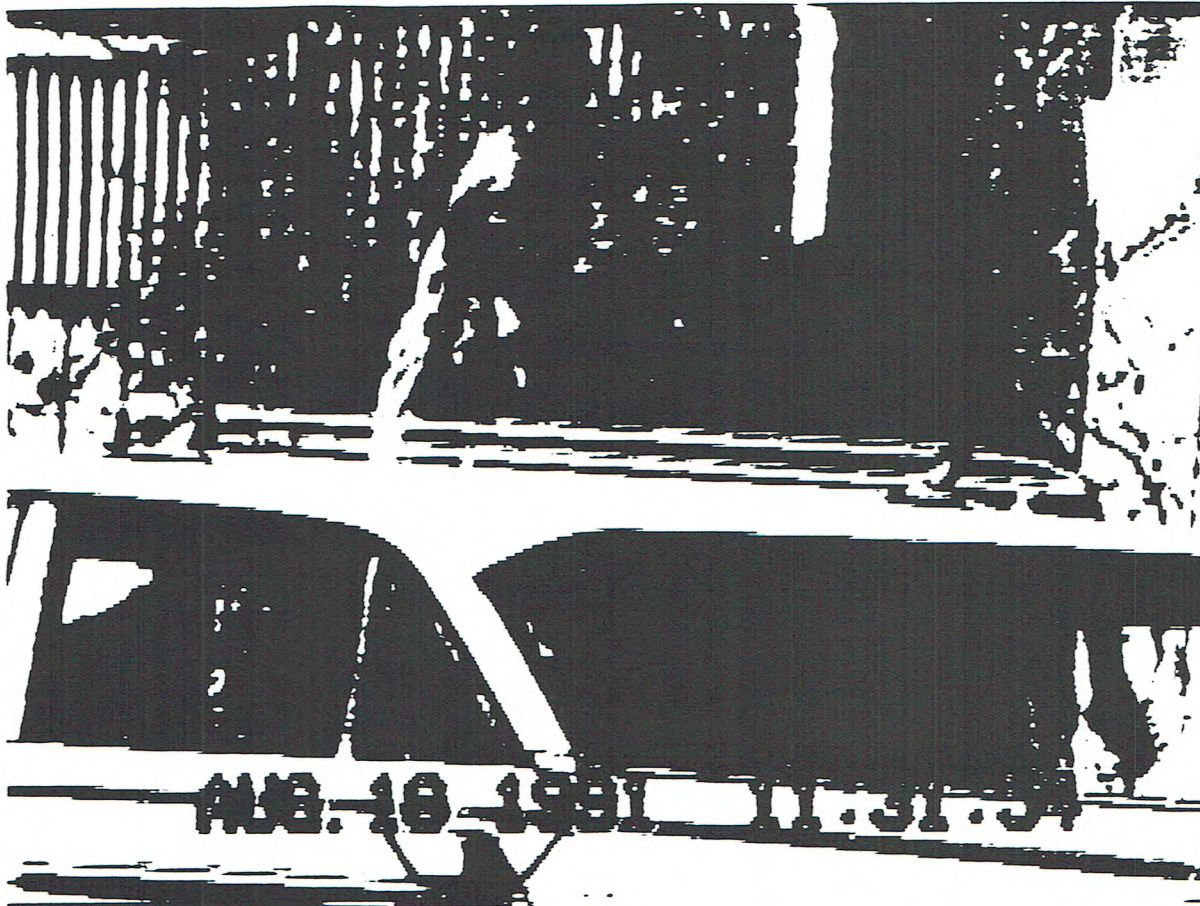
4 | 5. I was informed by the law firm which represents
5 | some of the defendants in the Aznaran case that the man
6 | in these photographs is an individual known as Gerald
7 | Armstrong.

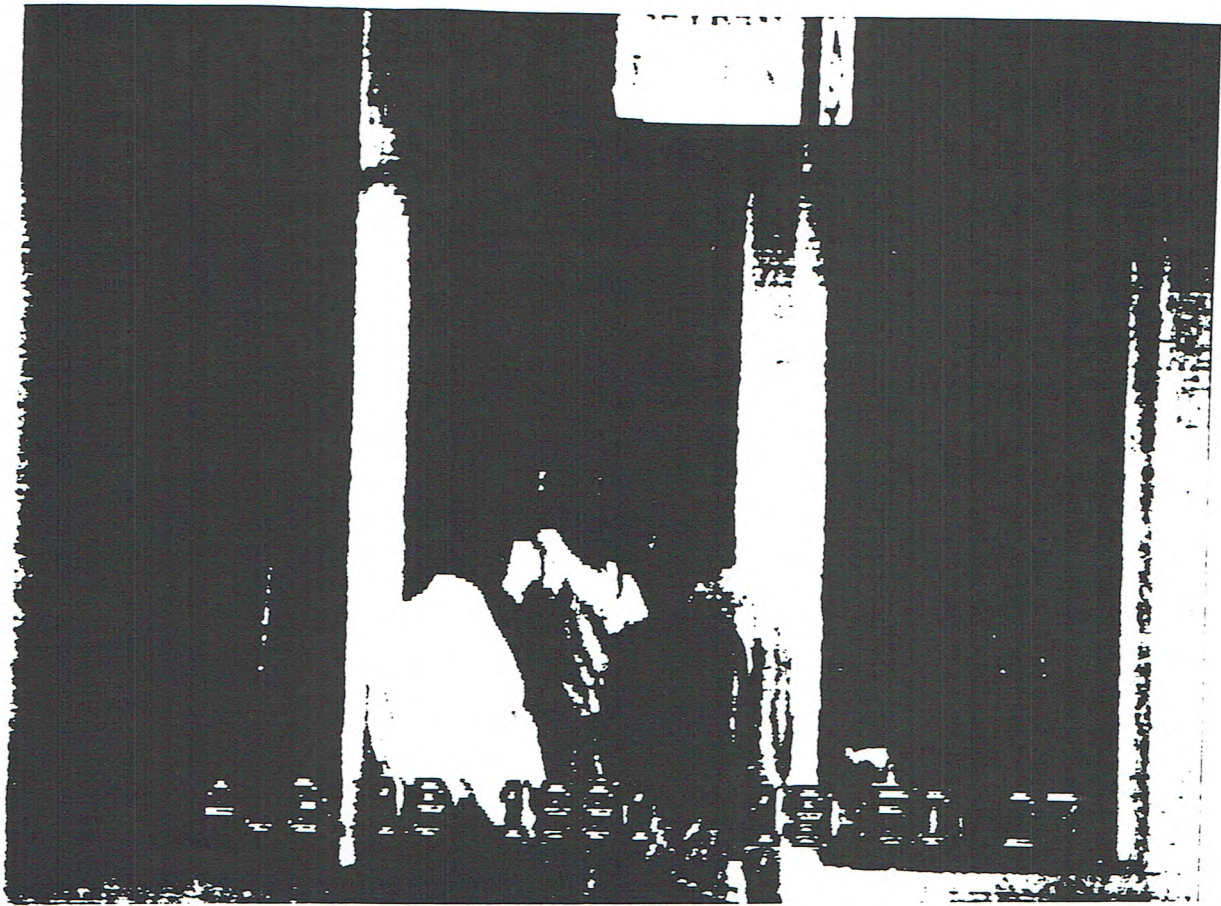
8 | I declare under penalty of perjury that the
9 | foregoing is true and correct.

10 | Executed at San Francisco, California the 26th day
11 | of August 1991.

12 |
13 | 
SAM BROWN



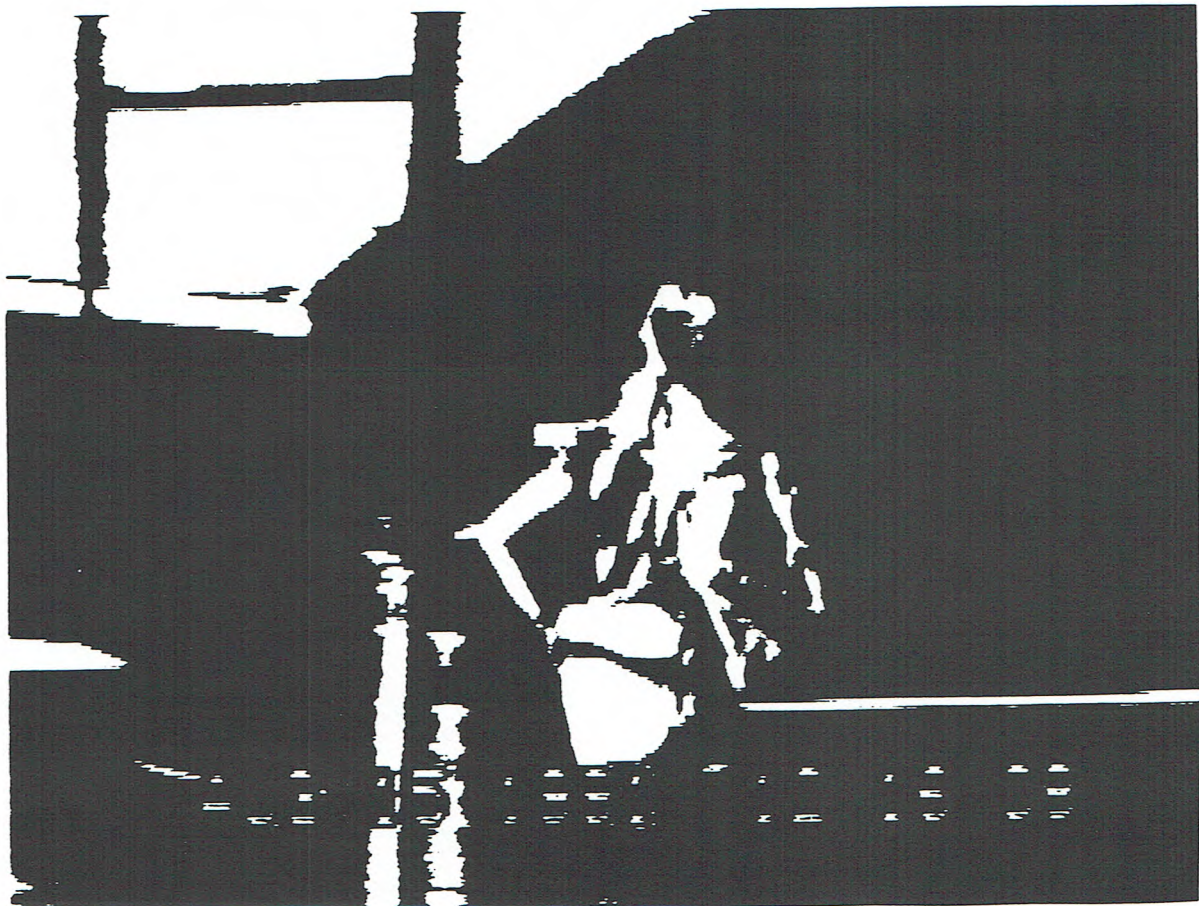
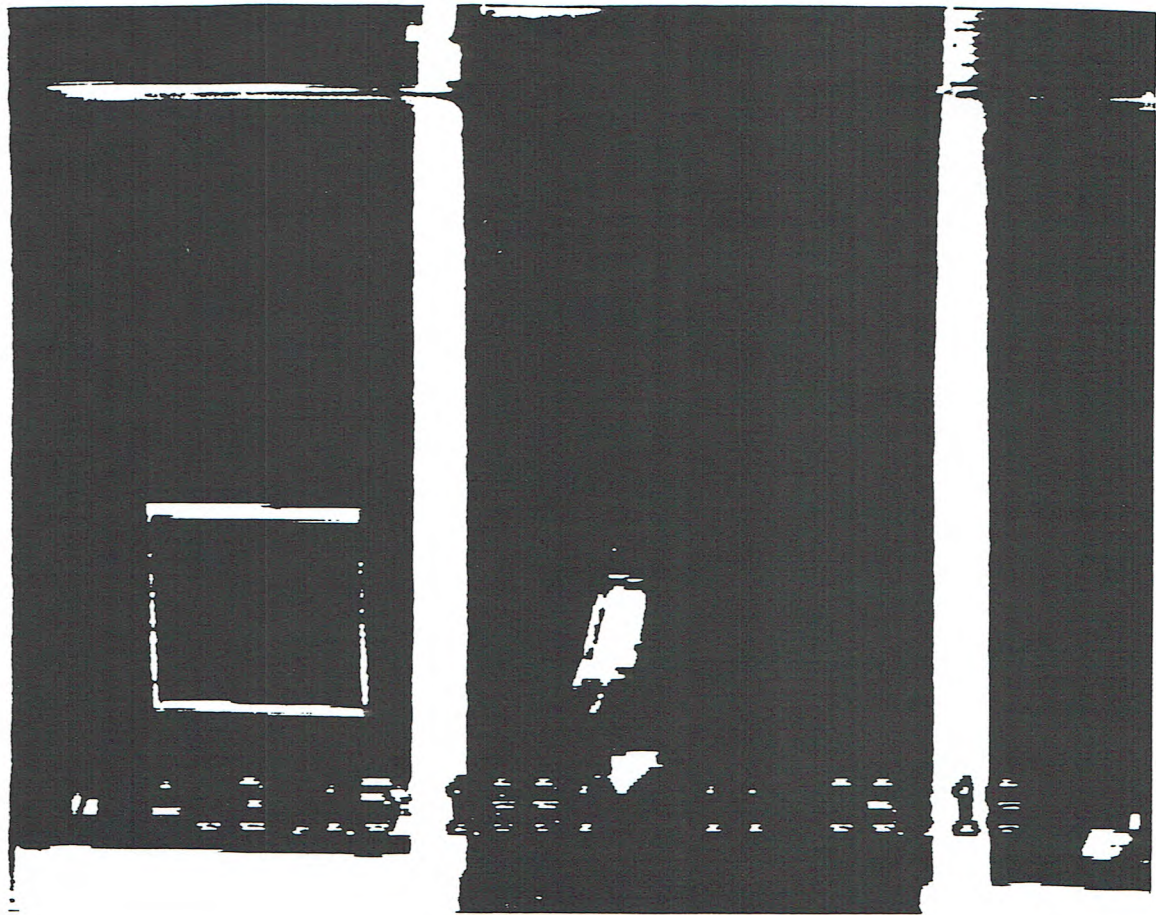






AUG. 20 1991 12:20:20







AUG. 20 1991 12:32:13



AUG. 20 1991 18:27:16



1 DECLARATION OF LAURIE J. BARTILSON

2 I, LAURIE J. BARTILSON, hereby declare and state:

3 1. I am co-counsel of record for plaintiffs in the
4 case of Aznaran v. Church of Scientology of California,
5 et al., Case No. CV 88-1786 JMI(Ex). I have personal
6 knowledge of the matters set forth herein and, if called upon
7 to do so, could and would competently testify thereto.

8 2. On August 19, 1991, I called the offices of Ford
9 Greene, counsel for plaintiffs in this case, to arrange to have
10 a courier pick up several oppositions which plaintiffs were due
11 to file that day.

12 3. The person who answered the telephone in Mr. Greene's
13 office identified himself as Gerald Armstrong. When queried,
14 Armstrong stated that he was at Greene's office "helping out."
15 I know Armstrong, as I attended his deposition in another case
16 in which I am also counsel. He is a long-term litigation
17 adversary of my client, Church of Scientology of California,
18 having been sued for conversion of documents belonging to the
19 Church's Founder.

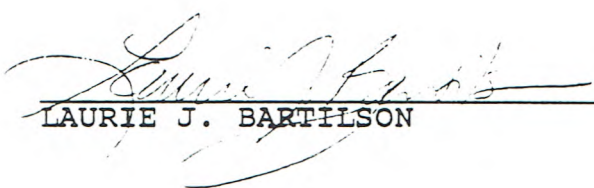
20 4. I have been informed by private investigators hired by
21 my law firm that Armstrong was present at Ford Greene's offices
22 many times from August 3, 1991 through at least August 21, 1991,
23 often for hours and days at a time. When my courier went to
24 Greene's offices on August 19, 1991 to pick up papers in this
25 case, he observed Armstrong sleeping on the floor in the office.

26 5. Exhibit 1 to the Reply in Support of Defendants'
27 Motion for Summary Judgment is a true and correct copy of
28 a transcript of an August 6, 1991 hearing in the case of

1 Religious Technology Center, et al. v. Yanny, Case No. BC
2 033035. In that case, Yanny was preliminarily enjoined by the
3 Court from representing either the Azarans or Armstrong.

4 I declare under the penalties of perjury under the laws of
5 California and the United States of America that the foregoing
6 is true and correct.

7 Executed this 30th day of August at Los Angeles,
8 California.

9
10 
11 LAURIE J. BARTILSON
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF KENNETH LONG

I, KENNETH LONG, hereby declare:

1. I am over the age of eighteen. I have been employed by Church of Scientology of California ("CSC") for 9 years as a paralegal, acting as CSC's representative to assist various of its attorneys during that time period. I have personal knowledge of the matters set forth below and would and could competently testify thereto if called upon to do so.

2. During the course of my employment as a paralegal, I have worked extensively on the case of Church of Scientology of California v. Armstrong, Los Angeles Superior Court Case No. C 420153, and Appellate Case No. B025920 ("Armstrong"). I am well familiar with the documents on file in Armstrong, both in the Superior Court and on appeal.

3. The trial transcripts which are part of the Armstrong record consist of 4,346 pages of testimony. The single lengthiest testimony is that of defendant, Gerald Armstrong. His testimony covers approximately 852 pages. Throughout Armstrong's testimony, there was discussion of the documents converted by Armstrong that had been ordered returned to the court and sealed by Judge Cole near the inception of the suit.

4. Discussion of the contents of these documents also occurred during the testimony of other witnesses. Vaughn Young testified for about 136 transcript pages and Laurel Sullivan for roughly 425 pages. Their testimony also included discussion of the stolen documents which had been sealed by the trial court. Thus, between Armstrong, Sullivan and Young,

059019

nearly a third of the trial transcripts contain discussions of the very materials for which suit was originally brought to effect return and maintain privacy.

5. The Armstrong appellate briefs also contain many references to, and descriptions and discussions of the stolen documents which were sealed during this litigation and which were returned to plaintiff upon settlement of the lawsuit in December 1986. A material term of that settlement was the return of those documents and the sealing of the record in this case in order to protect the privacy and property interests of CSC and Intervenor Mary Sue Hubbard, who had initiated this action to vindicate those rights.

6. The appendices filed in the appellate court contain numerous documents that discuss the stolen documents and their contents, or matters arising from those documents. Out of 22 documents in the B038975 appendix, ten contain such references: Exhibits C, H, I, K, L, N, O, Q, U, and V. The appendix for B025920 also contains documents with such references, including pages 57-60 and 251-277.

7. All of the documents in the Armstrong appellate record, with the exception of the appellate briefs, have been sealed below since December 11, 1986 as a result of the stipulation of the parties upon settlement of the case.

8. Accordingly, on behalf of CSC, I respectfully request the Court to seal the testimony of Gerald Armstrong, Vaughn Young and Laurel Sullivan in the Armstrong Reporter's Transcript, pages 57-60 and 251-277 in Armstrong Appellant's Appendix, pages 4-28 of Respondent's Brief in Armstrong, and

Exhibits C, K, L and N in the "Appendix of Appellants" filed in Appeal No. B038975. If these portions of the appellate record are also sealed, it will preserve the property and privacy interests which CSC has fought to protect by its filing of the Armstrong suit, and which the trial-court recognized in sealing the documents at the outset of the litigation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Los Angeles, California this 10th day of September, 1991.



Kenneth Long

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2

3
4
5
6
7

8
9
10
11
12

13
14
15
16
17
18

19
20
21
22
23

25
26
27
28

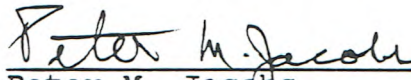
1 Angeles Superior Court.

2 6. Attached hereto as Exhibit E is a true and correct copy
3 of a slip opinion of the Eleventh Circuit Court of Appeals in
4 the case of Wakefield v. Church of Scientology of California,
5 Appellate Case. No. 89-3796, entered on August 12, 1991.

6 7. Attached hereto as Exhibit F is a true and correct copy
7 of a slip opinion of the Eleventh Circuit Court of Appeals in
8 the case of McLean v. Church of Scientology of California, et
9 al., Appellate Case No. 89-3505, entered on September 17,
10 1991.

11 I declare under penalty of perjury that the foregoing is
12 true and correct.

13 Executed at Los Angeles, California, the 7th day of October
14 1991.

15 
16 Peter M. Jacobs

1 I, GERALD ARMSTRONG, declare and state that:

2 1. I am the defendant and cross-complainant in the
3 case of Church of Scientology of California vs. Gerald Armstrong,
4 Los Angeles Superior Court No. C420153. I was a member of
5 Scientology from 1969 to 1981 and have been involved in
6 litigation with various Scientology entities, hereinafter
7 referred to as "the organization", since 1982. I have testified
8 approximately 47 days in trials or depositions in at least 10
9 cases against Scientology. I am very knowledgeable in
10 Scientology litigation and operations, and am qualified to render
11 the opinion in Paragraph 7 below.

12 2. In 1985 and throughout 1986, I worked as a
13 paralegal in the law firm of Flynn, Joyce and Sheridan in Boston,
14 Massachusetts. I worked on all the organization-related
15 litigation handled by the firm during that period. Michael Flynn
16 was the prime mover in much of the organization-related
17 litigation throughout the United States until December 1986 when
18 he settled all the cases in which he was involved. I was
19 represented in Armstrong by Flynn, Joyce and Sheridan and the law
20 firm of Contos and Bunch in Woodland Hills, California until the
21 settlement.

22 3. In a declaration I executed December 25, 1990,
23 which I filed in the California Court of Appeal in the
24 organization's appeal (Civ. No. B038975) from a Superior Court
25 ruling unsealing the Armstrong court file, which had been sealed
26 in December, 1986, I detailed the circumstances of and my
27 involvement in the settlement. In that declaration, I waived the
28 attorney-client privilege between Mr. Flynn and me only as to our

1 conversations concerning the settlement, and I reiterate that
2 waiver at this time, and extend it to include my other attorneys.

3 4. During the settlement negotiations and thereafter,
4 I learned from Mr. Flynn, and two other attorneys in both firms
5 which represented me in Armstrong, that all the attorneys who had
6 been involved in the organization-related litigation had agreed,
7 as part of the settlement, to not represent or assist anyone in
8 any future litigation against the organization.

9 5. Each of the law firms involved was also required,
10 as part of the settlement, to turn over to the organization its
11 Scientology-related documentary evidence, as was each of the
12 litigants. Each of the litigants, moreover, was required, as
13 part of the settlement, to not assist any aggrieved party in
14 future litigation against the organization, and to avoid service
15 of process in such litigation. These conditions are stated in
16 the settlement agreement I signed in December 1986, a copy of
17 which is marked and exhibited herewith as Exhibit "1".

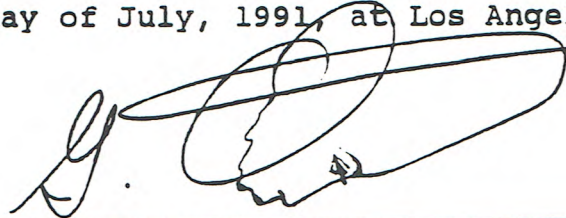
18 6. Since the settlement, the organization's attorneys
19 have threatened me on six occasions that I would be sued if I
20 violated the settlement's restrictions. The organization
21 meanwhile has itself violated the letter and spirit of the
22 settlement regarding me on numerous occasions. I have detailed
23 these instances in my December 25, 1990 declaration and a
24 declaration I executed on March 15, 1990 which was also filed in
25 the above-referenced appeal.

26 7. The effects of the December 1986 settlement
27 agreements in the legal community and on future individuals
28 aggrieved by the organization are obvious. Potential attorneys,

1 knowing or learning that they would be denied the documentary
2 evidence which had previously been available, denied assistance
3 from the key witnesses against the organization, and denied
4 assistance from the most knowledgeable attorneys in the world in
5 this field of litigation would be more than reluctant to accept
6 representation of aggrieved individuals. Add to that, the
7 general knowledge in the legal community of the harassive and
8 threatening practices of the organization toward adverse
9 attorneys, and the fact that well respected attorneys such as Mr.
10 Flynn had agreed to an unethical or illegal settlement to escape
11 the litigation, and it is no surprise that this country's
12 attorneys avoid representing the organization's many victims.
13 The victims are effectively cut off from communication with
14 witnesses and access to evidence, and their ability to obtain any
15 legal representation denied.

16 I declare under the penalty of perjury under the laws of the
17 United States and the State of California that the foregoing is
18 true and correct and based on my personal knowledge, except those
19 matters stated on information and belief, and as to those
20 matters, I am informed and believe them to be true.

21 Executed this 16th day of July, 1991, at Los Angeles,
22 California.



GERALD ARMSTRONG

1 DECLARATION OF LAWRENCE E. HELLER

2 I, Lawrence E. Heller, hereby declare:

3 1. I am an attorney licensed to practice law in the
4 courts of the State of California and was involved in the
5 Settlement Agreement on behalf of the Church of Scientology in
6 Gerald Armstrong v. Church of Scientology of California, Los
7 Angeles Superior Court, Case No. 420 153. I have personal
8 knowledge of the facts set forth below and if called upon to do
9 so, could and would competently testify thereto.

10 2. I am familiar with the following exhibits submitted by
11 plaintiffs Vicki and Richard Aznaran in their Opposition to
12 Defendants' Motion to Seal Prior Settlement Agreement:

13 1) Exhibit 1 of Exhibit E: "Mutual Release of All Claims
14 and Settlement Agreement";

15 2) Exhibit I: "Indemnity Agreement."

16 Each of these documents was part of the Settlement
17 Agreement in the above-cited Armstrong case. All parties
18 signatory to this Agreement agreed to maintain the
19 confidentiality of these documents.

20 3. The attached "Settlement Agreement" (Ex. O) is a
21 document prepared by Jerry Armstrong's attorney, Michael Flynn,
22 and was not shown to this declarant at the time of settlement
23 pursuant to the wishes of Mr. Armstrong and Attorney Flynn. As
24 recited in the "Mutual Release of all Claims," it was the
25 intent of Mr. Armstrong, Attorney Flynn and the other settling
26 parties represented by Mr. Flynn that this document be and
27 remain confidential. I have however previously seen this
28 document when it was attached to pleadings by Mr. Armstrong in

1 the case of Corydon v. CSC, et al., Case No. C 694401, wherein
2 I am one of the counsel of record.

3 4. I declare under penalty of perjury of the laws of the
4 United States that the foregoing is true and correct.

5 Executed on November 12, 1991, at Los Angeles, California.

6
7 

8 LAWRENCE E. HELLER
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF LAURIE J. BARTILSON

I, LAURIE J. BARTILSON, declare,

1. I am an attorney licensed to practice in the State of California and I am admitted to practice before this Court. I am a partner in the law firm of Bowles & Moxon, attorneys of record for some of the defendants in the above-captioned matter. I have personal knowledge of the matters set forth below and could and would competently testify thereto if called upon to do so.

2. Attached hereto are true and correct copies of the following documents:

Exhibit A: Statement of Decision issued on July 18, 1990 in the case of Religious Technology Center, et al. v. Joseph A. Yanny, et al., Case No. C 690 211, Los Angeles Superior Court ("RTC v. Yanny I").

Exhibit B: Portions of the Reporter's Transcript of the deposition of Joseph A. Yanny, taken on March 10, 1992 in the case of Religious Technology Center, et al. vs. Joseph A. Yanny, et al., Case No. BC 033035, Los Angeles Superior Court ("RTC v. Yanny II").

Exhibit C: Order Vacating Court's Prior Approval of Substitution of Counsel and Order Approving Plaintiffs' Request To Be In Pro Per, issued on July 11, 1991 and filed on July 24, 1991 in the case of Vicki J. Aznaran, et al. Church of Scientology of California, et al., Case No. CV-88-1786 JMI (Ex).

Exhibit D: Ruling on Submitted Matter, issued on July 31, 1991 in the case of Religious Technology Center, et al. vs.

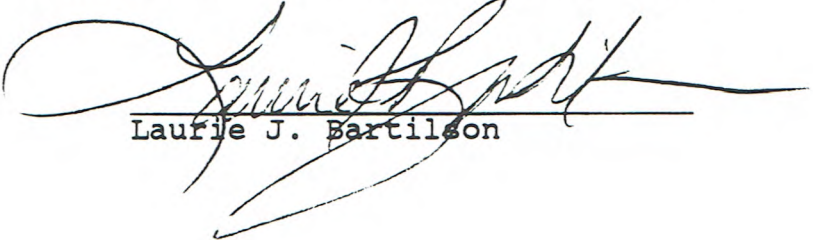
1 Joseph A. Yanny, et al., Case No. BC 033035, Los Angeles
2 Superior Court ("RTC v. Yanny II").

3 Exhibit E: Association of Trial Counsel, John Clifton
4 Elstead; Declaration of Ford Greene Regarding Association of
5 John Clifton Elstead as Trial Counsel; Declaration of Vicki J.
6 Aznaran Regarding Association of John Clifton Elstead as Trial
7 Counsel; Declaration of Richard N. Aznaran Regarding
8 Association of John Clifton Elstead as Trial Counsel, filed on
9 August 1, 1991 in the case of Vicki J. Aznaran, et al. vs.
10 Church of Scientology of California, et al., Case No.
11 CV-88-1786 JMI (Ex).

12 Exhibit F: Portions of the Reporter's Transcript of the
13 deposition of Gerald Armstrong, taken on March 3, 1992 in the
14 case of Steven Hunziker, et al. vs Applied Materials, Inc., et
15 al., Case No. 692629, Superior Court for the County of Santa
16 Clara.

17 I declare under penalty of perjury of the laws of the
18 United States and the State of California that the foregoing is
19 true and correct.

20 Executed this 16th day of March, 1992, in Los Angeles,
21 California.

22 
23 Laurie J. Bartilson
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MARIN

HON. MICHAEL B. DUFFICY, JUDGE DEPARTMENT 4

---000---

CHURCH OF SCIENTOLOGY
INTERNATIONAL, A CALIFORNIA
NOT-FOR-PROFIT RELIGIOUS
CORPORATION,

PLAINTIFFS,

VS.

GERALD ARMSTRONG, ET AL.,

DEFENDANTS.

NO. 152229

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MARCH 3, 1992

REPORTED BY: DEBORAH S. BARTUNEK, CSR 4822

A-P-P-E-A-R-A-N-C-E-S

TUESDAY, MARCH 3, 1992

---000---

FOR THE PLAINTIFFS:

WILSON, RYAN, BLUM & CAMPILONGO
235 MONTGOMERY STREET, SUITE 450
SAN FRANCISCO, CALIFORNIA 94104
BY: ANDREW H. WILSON, ESQUIRE

BOWLES & MOXON
6255 SUNSET BOULEVARD, SUITE 2000
HOLLYWOOD, CALIFORNIA 90028
BY: LAURIE J. BARTILSON, ESQUIRE

FOR THE DEFENDANT GERALD ARMSTRONG:

FORD GREENE, ESQUIRE
711 SIR FRANCIS DRAKE BOULEVARD
SAN ANSELMO, CALIFORNIA 94960

FOR PETITIONER/INTERVENOR JOSEPH A. YANNY:

LEWIS, D'AMATO, BRISBOIS & BISGAARD
221 NORTH FIGUEROA STREET, SUITE 1200
LOS ANGELES, CALIFORNIA 90012
BY: GRAHAM E. BERRY, ESQUIRE

TUESDAY, MARCH 3, 1992

1:30 P.M.

---000---

P-R-O-C-E-E-D-I-N-G-S

THE COURT: GOOD AFTERNOON. ALL RIGHT IN
THE MATTER OF CHURCH OF SCIENTOLOGY
INTERNATIONAL VERSUS GERALD ARMSTRONG, ET AL.
CASE NUMBER 152229.

STARTING WITH COUNSEL FOR PLAINTIFF,
COULD WE HAVE YOUR APPEARANCES FOR THE RECORD
PLEASE?

MR. WILSON: GOOD AFTERNOON, YOUR HONOR.
MY NAME IS ANDREW WILSON; WILSON, RYAN, BLUM &
CAMPILONGO, APPEARING ON BEHALF OF THE
PLAINTIFF.

AND SEATED TO MY LEFT IS --

MS. BARTILSON: LAURIE BARTILSON FROM
BOWLES & MOXON, ALSO FOR PLAINTIFF.

THE COURT: ALL RIGHT.

MR. GREENE: FORD GREENE APPEARING ON
BEHALF OF GERALD ARMSTRONG, THE DEFENDANT.

MR. BERRY: GRAHAM BERRY OF LEWIS,
D'AMATO, BRISBOIS & BISGAARD APPEARING ON BEHALF
OF THE PETITIONER AND PROPOSED INTERNEVER.

THE COURT: OKAY. I HAVE REVIEWED THE
PLEADINGS THAT HAVE BEEN FILED TO DATE; NEEDLESS
TO SAY IT'S MASSIVE.

I WANT TO INDICATE TO YOU
TENTATIVELY WHAT I PROPOSE DOING, THEN I'M GOING

1 TO -- I'M SURE THERE WILL BE SOME ARGUMENT.

2 DEFENDANT MR. ARMSTRONG IS ENTITLED
3 UNDER THE CODE, UNDER THE LOCAL RULES, TO ONE
4 CONTINUANCE OF THE HEARING ON THE -- FOR, I
5 THINK, PLAINTIFFS' APPLICATION FOR A PRELIMINARY
6 INJUNCTION.

7 I'M INCLINED TO, AFTER REVIEWING THE
8 PAPERS, TO GRANT PLAINTIFFS -- TO GRANT THE
9 REQUEST FOR THE CONTINUANCE, BUT TO GRANT
10 PLAINTIFFS' REQUEST FOR A TEMPORARY RESTRAINING
11 ORDER PENDING THE HEARING.

12 THE INTENT OF THE TEMPORARY
13 RESTRAINING ORDER IS SIMPLY TO PRESERVE THE
14 STATUS QUO, NOT TO ORDER ANYBODY TO DO -- TO DO
15 ANYTHING AFFIRMATIVELY, JUST TO FREEZE
16 EVERYTHING UNTIL WE HAVE A FULL HEARING.

17 SECONDLY, IN REGARD TO MR. YANNY'S
18 APPLICATION TO INTERVENE, I WANT TO SET THAT FOR
19 HEARING SO WE CAN HAVE A FULL HEARING ON THAT.
20 THE PEOPLE HAVE AN OPPORTUNITY TO FILE PAPERS IN
21 OPPOSITION, AND SO FORTH.

22 I WOULD BE INCLINED, THOUGH, TO --
23 TODAY TO GRANT A REQUEST TO FILE AN AMICUS
24 CURIAE BRIEF.

25 SO FOR THE SAKE OF ARGUMENT, THEN IF
26 HIS MOTION TO INTERVENE WERE TO BE DENIED, HE
27 WOULD AT LEAST HAVE AN OPPORTUNITY TO FILE WITH
28 THE COURT AN AMICUS BRIEF AND HAVE HIS POSITION

1 HEARD, WHICH WOULD APPEAR TO ME NOT TO PREJUDICE
2 THE PLAINTIFF OR DEFENDANT.

3 AND THEN I WOULD SET THE MATTER FOR
4 HEARING, SPECIALLY SET IT AT 9:00 IN THE MORNING
5 SO HE COULD HAVE AS MUCH TIME AS HE NEEDS, OR
6 SOME DATE AFTER MARCH 16TH WHEN I RETURN.

7 THE JURY TRIAL I'M IN RIGHT NOW WILL
8 STILL BE PROCEEDING, SO I WAS GOING TO SUGGEST A
9 DAY, EITHER THURSDAY OR FRIDAY OF THAT WEEK.

10 SO WITH THAT -- THOSE REMARKS IN
11 MIND, FIRST LET ME ASK THE PLAINTIFF:

12 WHAT'S YOUR POSITION AS FAR AS
13 TODAY'S HEARING AFTER HAVING HEARD WHAT I
14 INDICATED?

15 MR. WILSON: YOUR HONOR, WE WOULD HAVE
16 ABSOLUTELY NO PROBLEM WITH ANYTHING WITH YOUR
17 ORDER, PARTICULARLY. THAT'S ALL WE WANT. WE
18 JUST WANTED TO GET A HEARING. IF THE HEARING
19 WAS GOING TO BE PUT OFF, WE WANTED A T.R.O. TO
20 PRESERVE THE STATUS QUO.

21 WE THINK WE'RE ENTITLED TO IT FOR
22 THE SAME REASONS THAT WE SET FORTH IN THE
23 PRELIMINARY INJUNCTION PAPERS.

24 WITH SOME HESITANCY, I WOULD POINT
25 OUT THAT I DON'T BELIEVE THAT THE DEFENDANT IS
26 ENTITLED TO A CONTINUANCE UNDER 527, BECAUSE NO
27 T.R.O. WAS GRANTED. HE ONLY GOT THE -- THE
28 ORDER TO SHOW CAUSE. SO HE REALLY DOESN'T HAVE

1 AN ABSOLUTE RIGHT TO IT.

2 THAT'S THE ONLY COMMENT THAT I HAVE.

3 THE COURT: BUT AS A PRACTICAL MATTER,
4 I'M NOT GOING TO BE HERE ON FRIDAY. I'M
5 INVOLVED IN A JURY TRIAL, SO IT WOULDN'T BE
6 PRACTICAL.

7 MR. WILSON: YOUR HONOR, WE -- I THINK
8 YOUR SOLUTION IS A GREAT SOLUTION TO THE
9 PROBLEM. WE COMPLETELY AGREE WITH IT.

10 THE COURT: MR. GREENE.

11 MR. GREENE: I DON'T THINK IT'S A GREAT
12 SOLUTION.

13 FIRST OF ALL, WITH RESPECT TO THE
14 GRANTING OF A TEMPORARY RESTRAINING ORDER, IT
15 WOULD NOT PRESERVE THE STATUS QUO. WHAT IT
16 WOULD DO WOULD BE TO IN EFFECT BE MANDATORY, AND
17 COMPEL MR. ARMSTRONG TO ENGAGE IN CONDUCT THAT
18 HE'S NOT ENGAGING IN NOW.

19 I POINT OUT TO THE COURT THAT BASED
20 ON THE PLAINTIFF'S MOVING PAPERS, THE CONDUCT OF
21 WHICH THEY COMPLAIN COMMENCED, ACCORDING TO
22 THEIR PAPERS, IN JUNE OF 1991 ALMOST A YEAR
23 AGO.

24 AND SO, FOR THE PLAINTIFF TO COME
25 INTO COURT NOW, EIGHT MONTHS LATER, AND SAY,
26 WE'RE BEING IRREPARABLY HARMED, WE NEED A
27 TEMPORARY RESTRAINING ORDER, IS BELIED BY THE
28 DELAY THAT PLAINTIFF HAS ENGAGED IN IN SEEKING

1 THE RELIEF THAT THEY CLAIM THEY NEED.

2 THE COURT: SEE, NOW WE'RE STARTING TO
3 GET FAR AFIELD. THIS IS ALL SUBJECTS WE'RE
4 GOING TO ARGUE WHEN WE HEAR THE APPLICATION FOR
5 PRELIMINARY INJUNCTION. THE INTENT OF THE
6 TEMPORARY RESTRAINING ORDER IS SIMPLY TO FREEZE
7 EVERYTHING UNTIL BOTH SIDES HAVE THEIR
8 HEARINGS.

9 I DON'T WANT TO SPEND A LOT OF TIME
10 GOING INTO YOUR ARGUMENT, WHICH I'LL LISTEN TO
11 IN DETAIL AT THE NEXT HEARING.

12 MR. GREENE: PART OF THE PROBLEM ALSO,
13 YOUR HONOR, IS I'M NOT REALLY SURE WHAT THE
14 SPECIFIC PROVISIONS OF A TEMPORARY RESTRAINING
15 ORDER WOULD BE. I HAVE SERIOUS QUESTIONS ABOUT
16 HOW THOSE WOULD BE ENFORCED.

17 FOR EXAMPLE, GERALD ARMSTRONG IS MY
18 EMPLOYEE. HE WORKS IN MY OFFICE, AS YOU
19 PROBABLY NOTED FROM THEIR MOVING PAPERS.

20 WOULD THE ISSUANCE OF A TEMPORARY
21 RESTRAINING ORDER COMPEL HIM NOT TO WORK FOR
22 ME? I WOULD SUBMIT THAT THERE WOULD -- THAT IF
23 THE ORDERS ISSUE, AND ARMSTRONG DOES START
24 WORKING FOR ME, THAT THE PLAINTIFFS WILL BE IN
25 HERE ON SOME SORT OF A CONTEMPT CITATION OR SOME
26 OTHER EFFORT TO ENFORCE THE RESTRAINING ORDER.

27 THE COURT: WELL, WE'RE GOING TO GET TO
28 THE CONTENTED RESTRAINING ORDER IN JUST A

1 SECOND.

2 LET ME ASK COUNSEL FOR MR. YANNY'S
3 SIDE OF THE CASE, WHAT'S YOUR POSITION?

4 MR. BERRY: YOUR HONOR, THE TEMPORARY
5 RESTRAINING ORDER WOULD DO AN END RUN AROUND
6 JUDGE CADANA'S (PHONETIC) ORDER WHICH EXPRESSLY
7 ADMITS TO YANNY TO GATHER EVIDENCE FOR HIS
8 DEFENSE, AND SPECIFICALLY TO INTERVIEW WITNESSES
9 SUCH AS MR. ARMSTRONG.

10 FURTHERMORE, IT EXPRESSLY SUGGESTS
11 THAT THIS COURT HAS FOUND A LIKELIHOOD OF
12 SUCCESS ON THE MERITS.

13 THE COURT: NO, NO, I DIDN'T SAY THAT.

14 WHAT'S HAPPENED ON THIS CASE, WITH A
15 CHALLENGE IT WAS ASSIGNED TO ME FOR HEARING ON
16 FRIDAY. I'M NOT GOING TO BE HERE FRIDAY. I'M
17 INVOLVED IN THE FIFTH WEEK OF A MURDER TRIAL
18 THAT I'M GOING TO COMPLETE IN AN ORDERLY
19 MANNER.

20 I WANT TO GIVE ALL PARTIES IN THIS
21 CASE AS MUCH TIME AS THEY NEED TO ARGUE THIS
22 MATTER. IT'S NOT PRACTICAL TO ARGUE IT BEFORE
23 THE FRIDAY HEARING. UNDER THE LOCAL RULES
24 NORMALLY THERE WOULD SIMPLY BE, AFTER 2:00
25 O'CLOCK ON THURSDAY, AN INDICATED RULING.

26 I'M NOT GOING TO DO THAT. I'M GOING
27 TO GIVE ALL OF YOU A HEARING BEFORE I MAKE A
28 RULING. I'LL SPECIALLY SET IT THE WEEK OF THE

1 16TH WHEN I GET BACK.

2 AND TO GIVE MR. YANNY AN
3 OPPORTUNITY, I'M GOING TO HEAR HIS MOTION TO
4 INTERVENE AT THE TIME.

5 BUT I'M GOING TO SIGN TODAY AN ORDER
6 ALLOWING HIM TO FILE HIS AMICUS SO HIS POSITION
7 WILL BE SET FORTH PRIOR TO THAT HEARING.

8 MR. BERRY: AND WITH REGARD TO THAT,
9 SHOULD A COMPLAINT TO INTERVENE BE FILED PRIOR
10 TO THAT HEARING?

11 THE COURT: NO, BECAUSE I HAVEN'T RULED
12 ON THAT MOTION.

13 MR. WILSON: YOUR HONOR, WOULD YOU LIKE
14 ME TO ADDRESS THE DELAY ISSUE? I CAN ADDRESS --
15 I THINK I CAN, I THINK, SHOW WE HAVE NOT
16 DELAYED, AND ANY DELAYS IN HAVING THIS MATTER
17 HEARD WERE NOT OUR DOING. WE TRIED TO GET IT
18 HEARD BEFORE NOW.

19 THE FIRST THING THAT PLAINTIFF IN
20 THIS CASE HAS TRIED TO DO IS ENFORCE A
21 SETTLEMENT AGREEMENT IN LOS ANGELES COUNTY
22 SUPERIOR COURT IN AN ACTION IN WHICH IT WAS
23 ENTERED.

24 THE JUDGE THERE SAID THEY DIDN'T
25 HAVE JURISDICTION AFTER MR. ARMSTRONG GOT A
26 TOTAL CONTINUANCE OF 45 DAYS.

27 THEN WE CAME HERE. IT WAS SET OVER
28 30 DAYS AGO. MR. GREENE BECAME DISENCHANTED

1 WITH JUDGE STEPHENS AND FILED HIS CHALLENGE.

2 WE HAVE NOT DELAYED HERE. AND I
3 THINK THAT FOR MR. BERRY TO SAY THAT WE'RE
4 TRYING TO DO AN END RUN AROUND AN ORDER ENTERED
5 BY JUDGE CARDANA IS -- I'M AT A LOSS TO
6 UNDERSTAND HOW YOU CAN MAKE THAT STATEMENT.

7 I'VE GOT THE ORDER HERE. THE ORDER
8 DOES NOT SPECIFICALLY ALLOW WHAT MR. BERRY --

9 THE COURT: THOSE ARE JUST THE KIND OF
10 DETAILS WE CAN'T GET INTO TODAY.

11 MR. WILSON: I DIDN'T WANT THAT.

12 THE COURT: WHAT ARE YOU SEEKING? LET'S
13 BE CLEAR ON THIS, BECAUSE MR. GREENE CERTAINLY
14 HAS A POINT.

15 WHAT ARE YOU SEEKING IN THE
16 TEMPORARY RESTRAINING ORDER SPECIFICALLY?

17 MR. WILSON: WE ARE SEEKING THE SAME
18 ORDER AS FOR THE PRELIMINARY INJUNCTION WHICH
19 PROHIBITS MR. ARMSTRONG FROM VIOLATING THE
20 SETTLEMENT AGREEMENT IN SEVERAL RESPECTS:

21 ONE, DISCLOSING THE CONTENTS OF THE
22 SETTLEMENT AGREEMENT. THAT PROBABLY ISN'T A
23 PROBLEM BECAUSE IT UNFORTUNATELY HAS BECOME A
24 PUBLIC RECORD IN ANOTHER ACTION, SO ANYBODY WHO
25 WANTS TO SEE IT IS GOING TO GET IT.

26 SO WE'RE TALKING ABOUT THREE OTHER
27 PROVISIONS. A PROVISION WHICH PREVENTS MR.
28 ARMSTRONG FROM ACTIVELY AIDING PERSONS ENGAGED

1 IN LITIGATION ADVERSE TO THE CHURCH OF
2 SCIENTOLOGY, THAT'S ONE. THAT'S PROBABLY WHAT
3 MR. GREENE IS CONCERNED ABOUT.

4 I'LL MAKE THIS COMMENT.

5 OF COURSE, WE DO NOT SAY THAT MR.
6 ARMSTRONG CANNOT WORK FOR MR. GREENE. MR.
7 ARMSTRONG SHOULD NOT WORK ON CASES WHICH INVOLVE
8 THE CHURCH OF SCIENTOLOGY. THAT'S ALL WE'RE
9 SAYING.

10 NOW WE -- IF HE CONTINUES TO WORK
11 FOR MR. GREENE, WE BETTER HAVE SOME PRETTY
12 SPECIFIC PROOF THAT WHEN HE'S DOING THAT, HE'S
13 WORKING ON SCIENTOLOGY CASES.

14 I MEAN, I WOULD NOT BE SO FOOLISH AS
15 TO COME IN HERE ON A CONTEMPT MOTION UNLESS I
16 HAD CLEAR, CONVINCING EVIDENCE THAT MR.
17 ARMSTRONG, IN WORKING FOR MR. GREENE, WAS
18 VIOLATING THAT PROVISION OF THE ORDER.

19 THE OTHER PROVISIONS RELATE TO
20 CONFIDENTIALITY, AND MR. ARMSTRONG'S DISCLOSURE
21 OF EXPERIENCES THAT HE HAD WHILE HE WAS A MEMBER
22 OF THE CHURCH OF SCIENTOLOGY, AND CERTAIN
23 KNOWLEDGE THAT MR. ARMSTRONG MAY HAVE OF THE
24 LIFE AND THE PEOPLE RELATED TO MR. E. RON
25 HUBBARD, THE CHURCH'S FOUNDER.

26 SO IT'S THOSE FOUR PROVISIONS THAT
27 WE'RE SEEKING. THE FIRST OF WHICH I SAID
28 PROBABLY ISN'T A PROBLEM, AND THE SECOND THREE

1 ARE REALLY WHAT WE'RE CONCERNED ABOUT.

2 THE ONLY ONE THAT I THINK MR. GREENE
3 HAS MADE A POINT ABOUT IS NUMBER TWO, WHICH IS
4 THE ONE HAVING TO DO WITH AIDING PEOPLE ENGAGED
5 IN LITIGATION WITH THE CHURCH OF SCIENTOLOGY.

6 MS. BARTILSON: IF I MAY JUST CLARIFY
7 THAT PROVISION, YOUR HONOR, FOR A MOMENT.

8 THAT PROVISION IN THE SETTLEMENT
9 AGREEMENT DOES NOT PROHIBIT MR. ARMSTRONG FROM
10 BEING SUBPOENAED BY ANYONE TO GIVE TESTIMONY
11 ANYPLACE. IT CERTAINLY WOULDN'T PREVENT MR.
12 YANNY FROM DEPOSING MR. ARMSTRONG; IN FACT, THE
13 DEPOSITION OF MR. ARMSTRONG IS RIGHT NOW SET IN
14 THE YANNY MATTER FOR MARCH 16TH.

15 SO THAT WOULD NOT PRESENT ANY
16 PROBLEM AS FAR AS I COULD TELL WITH MR. YANNY.
17 WE'RE TALKING ABOUT VOLUNTARY ASSISTANCE.

18 THE COURT: MR. GREENE, WE REQUIRE ON A
19 TEMPORARY RESTRAINING ORDER SPECIFIC LANGUAGE
20 THAT DOES NOT PREVENT MR. ARMSTRONG FROM WORKING
21 FOR YOU IN YOUR LAW OFFICE.

22 MR. GREENE: I NEED TO ALSO ADDRESS
23 ADDITIONAL POINTS.

24 THE COURT: YOUR 15 MINUTES -- I SAID 15
25 MINUTES TODAY -- ARE JUST ABOUT UP.

26 MR. GREENE: WELL THEN, LET ME HAVE MY
27 FAIR SHAKE.

28 ONE, WITH RESPECT TO THE SETTLEMENT

1 AGREEMENT, THAT'S A PART OF THE RECORD IN THIS
2 CASE. SO THAT IS CERTAINLY PUBLIC, AND NOT
3 GERMANE.

4 TWO: WITH RESPECT TO CONFIDENTIALITY
5 ABOUT ARMSTRONG'S KNOWLEDGE OF THE CHURCH OF
6 SCIENTOLOGY AND E. RON HUBBARD, OUR POSITION IS
7 THAT FOR THE COURT TO ENJOIN ARMSTRONG FROM
8 SPEAKING IS A VIOLATION OF THE FIRST AMENDMENT
9 RIGHT TO FREE SPEECH.

10 TO ENJOIN ARMSTRONG FROM ASSOCIATING
11 WITH INDIVIDUALS WHO MAY OR MAY NOT BE ADVERSE
12 TO THE CHURCH OF SCIENTOLOGY IS ALSO A VIOLATION
13 OF THE FIRST AMENDMENT RIGHT TO FREELY ASSOCIATE
14 IN SUPPORT OF THE EXERCISE OF FREE SPEECH
15 RIGHTS.

16 AND WHAT PLAINTIFFS ARE SEEKING TO
17 DO IS TO ASK THE COURT TO ISSUE AN
18 UNCONSTITUTIONAL ORDER.

19 I MIGHT POINT OUT THAT AT THIS TIME
20 IN THE STATE LEGISLATURE HERE IN CALIFORNIA,
21 THERE'S A BILL NUMBER 711 WINDING ITS WAY
22 THROUGH THE SENATE WHICH WOULD SPECIFICALLY
23 PROHIBIT AGREEMENTS SUCH AS THAT WHICH IS BEFORE
24 THE COURT AND WHICH PLAINTIFFS ARE SEEKING THE
25 COURT TO ENFORCE, EVEN IF TEMPORARILY.

26 ADDITIONALLY, WITH RESPECT TO THE
27 SECOND ITEM MENTIONED ON PREVENTING ARMSTRONG
28 FROM ASSISTING THOSE WHO ARE ADVERSE TO

1 SCIENTOLOGY, I SUBMIT THAT THE WORDING IS SO
2 VAGUE THAT MR. ARMSTRONG CANNOT BE ON NOTICE AS
3 TO WHAT IT IS THAT HE IS TO DO AND NOT TO DO,
4 AND IN THAT REGARD IT IS UNCONSTITUTIONAL AS
5 WELL.

6 ANY KIND OF ORDER THAT'S GOING TO
7 IMPINGE ON FREE SPEECH RIGHTS HAS GOT TO BE
8 NARROWLY DRAWN, AND HAS GOT TO SPECIFICALLY
9 IDENTIFY WHAT THEIR PROHIBITED BEHAVIOR IS, AND
10 I DON'T THINK, ONE, THAT ANY ORDER IMPINGING ON
11 FREE SPEECH RIGHTS IS PROPER.

12 AND TWO: I DON'T THINK THAT SUCH AN
13 ORDER CAN BE DRAWN WITH THE REQUISITE
14 SPECIFICITY IN ORDER TO PASS CONSTITUTIONAL
15 MUSTER.

16 FINALLY, IF THE COURT ISSUES AN
17 ORDER LIKE THAT, WHAT IS THE EFFECT OF THE
18 ORDER?

19 THE EFFECT OF THE ORDER IS THAT
20 ARMSTRONG THEN CAN'T GO OUT AND TRY TO TALK TO
21 WITNESSES IN ORDER TO OBTAIN THE EVIDENCE AND
22 INFORMATION FOR HIS OWN DEFENSE IN THIS CASE.

23 I WOULD SUBMIT THAT, YES, THAT IF
24 THE ORDER ISSUED, THAT ARMSTRONG WOULD BE
25 PREVENTED FROM DOING THAT.

26 COUNSEL MADE THE POINT ARMSTRONG CAN
27 BE SUBPOENAED. HOWEVER, IN THE AGREEMENT THAT
28 SCIENTOLOGY IS ATTEMPTING TO HAVE THIS COURT

1 ENFORCE, THERE'S A SPECIFIC PROVISION THAT SAYS
2 THAT ARMSTRONG IS TO, QUOTE, NOT MAKE HIMSELF
3 AMENABLE TO SERVICE OF PROCESS CONTRARY TO THE
4 INTENT AND SPIRIT OF THIS AGREEMENT.

5 HE'S SUPPOSED TO AVOID SERVICE OF
6 PROCESS. HE IS SUPPOSED NOT TO PROVIDE
7 TESTIMONY.

8 AND I THINK THAT THE ORDER,
9 TEMPORARY AS IT MIGHT BE NOW IN MARCH OF 1992,
10 CONCERNING CONDUCT THAT THEY CLAIM STARTED IN
11 JUNE OF 1991, THERE AREN'T SUFFICIENT GROUNDS.

12 WE'RE PREPARED TOMORROW TO SUBMIT
13 OUR OPPOSITION AS REQUIRED TO BY CCP 527 SO AS
14 TO HAVE THE MATTER HEARD NOW, SO AS TO INSURE
15 THAT THERE IS NOT ANY KIND OF UNCONSTITUTIONAL
16 INFRINGEMENT BY JUDICIAL ORDER ON MR.
17 ARMSTRONG'S RIGHTS TO FREE SPEECH AND TO FREELY
18 ASSOCIATE.

19 I ALSO SUBMIT THAT WHAT THE
20 PLAINTIFF IS SEEKING TO DO ULTIMATELY WOULD
21 CONSTITUTE A FRAUD ON THE COURT. IT'S SAYING,
22 MR. ARMSTRONG, YOU CAN'T GO OUT, YOU CAN'T
23 OBTAIN EVIDENCE, YOU CAN'T ASSOCIATE WITH PEOPLE
24 WHO ARE SUPPOSED TO BE ADVERSE TO SCIENTOLOGY.
25 BUT WHAT WE CAN DO IS GET ALL PREPARED, BUT IF
26 YOU DO, YOU'RE GOING TO BE IN CONTEMPT OF COURT.

27 THAT'S NOT FAIR.

28 AND SO, ON THIS SHORT NOTICE, AND ON

1 THIS QUICK BASIS, WITHOUT AN OPPORTUNITY TO
2 REALLY SIT DOWN AND TOTALLY THINK ABOUT IT,
3 THOSE ARE -- THOSE ARE THE REASONS WHY THE COURT
4 SHOULD NOT ISSUE ANY KIND OF TEMPORARY ORDER.

5 AND IF THE COURT IS INCLINED TO DO
6 SO, MY REQUEST IS THAT THE COURT STAY THE
7 EFFECTIVENESS OF ANY SUCH T.R.O. FOR ANYWHERE
8 FROM FOUR DAYS TO A WEEK, SO WE CAN WRIT IT
9 BECAUSE I DON'T THINK THAT IT WOULD BE AN
10 APPROPRIATE ORDER AND I THINK THAT IT'S
11 SOMETHING THAT SHOULD BE REVIEWED.

12 THE COURT: ALL RIGHT. HERE'S WHAT WE'RE
13 GOING TO DO.

14 I'M GOING TO SET THE MATTER FOR
15 HEARING ON ALL PENDING MOTIONS FOR 9:00 O'CLOCK
16 ON FRIDAY, MARCH 20TH.

17 ANY ADDITIONAL PLEADINGS OR
18 RESPONSES --

19 MR. GREENE: YOUR HONOR, I'VE GOT A
20 CONFLICT IN SONOMA COUNTY.

21 THE COURT: YOU CALL SONOMA COUNTY AND
22 TELL THEM YOU WILL BE IN MARIN COUNTY BECAUSE
23 YOU HAVE A CASE WITH COUNSEL COMING.

24 MR. GREENE: I WILL.

25 THE COURT: -- ANY ADDITIONAL PLEADINGS,
26 RESPONSES AND SO FORTH, FROM ANY OF THE
27 PARTIES -- THIS INCLUDES MR. YANNY'S AMICUS
28 BRIEF -- ARE TO BE FILED BY 5:00 O'CLOCK,

1 ACTUALLY 4:30, ON MONDAY, MARCH 16TH.

2 MS. BARTILSON: EXCUSE ME, YOUR HONOR.

3 WOULD IT BE POSSIBLE FOR US TO HAVE
4 AN OPPORTUNITY TO DO A REPLY TO THEIR
5 OPPOSITIONS? CAN WE SCHEDULE IT THAT WAY?

6 THE COURT: ALL RIGHT. THEN ANY PARTY
7 MAY REPLY, AGAIN, BUT GIVE ME A LITTLE TIME
8 THERE, BY THE CLOSE OF BUSINESS ON THURSDAY THE
9 19TH.

10 IF THERE ARE REPLIES, THEY BETTER BE
11 COPIED FOR ME AND BETTER BE DELIVERED, BECAUSE
12 I'M GOING OVER EVERYTHING THAT NIGHT.

13 MS. BARTILSON: OKAY.

14 MR. WILSON: THANK YOU, YOUR HONOR.

15 THE COURT: AND I'M GOING TO SIGN THE
16 ORDER ALLOWING MR. YANNY TO FILE AN AMICUS
17 BRIEF.

18 MR. BERRY: THANK YOU, YOUR HONOR.

19 THE COURT: AND I WILL HAVE A FULL
20 HEARING ON THE 20TH ON HIS APPLICATION TO
21 INTERVENE IN THE ACTION.

22 MR. BERRY: AND WE WILL BE HEARD ON THE
23 AMICUS BRIEF AS WELL IN RELATION TO --

24 THE COURT: YES.

25 MR. BERRY: THANK YOU.

26 THE COURT: I'M GOING TO ISSUE THE
27 REQUESTED TEMPORARY RESTRAINING ORDER, BUT WITH
28 THE -- I WANT IN THE ORDER THE SPECIFIC RELIEF

1 FOR MR. ARMSTRONG THAT HE CAN CONTINUE TO WORK
2 FOR MR. GREENE AND MR. GREEN'S LAW OFFICE.

3 MR. WILSON: WE WILL PUT THAT IN THERE.
4 WE'LL SUBMIT IT TO COUNSEL FOR APPROVAL AS TO
5 FORM. IF HE DOESN'T APPROVE IT WITH AN
6 INDICATION THAT HE WON'T --

7 THE COURT: IF IT'S UNTIMELY, I WILL BE
8 HERE THROUGH THE END OF BUSINESS ON THURSDAY,
9 THEN I'LL BE GOING OUT OF THE COUNTRY FROM
10 FRIDAY MORNING UNTIL MONDAY THE 16TH.

11 MR. WILSON: WE'LL SUBMIT THE ORDER TO
12 YOU BY TOMORROW AT NOON.

13 AND WHY DON'T WE -- WHAT IF MR.
14 GREENE HAS AN OBJECTION, HE CAN COMMUNICATE BY
15 LETTER TO YOU WITH COPIES TO US.

16 THE COURT: FINE.

17 MR. WILSON: THAT WAY WE DON'T HAVE
18 TO --

19 THE COURT: THAT'S FINE.

20 MR. WILSON: THANK YOU.

21 MR. GREENE: WHAT --

22 THE COURT: ANY QUESTION ABOUT
23 SCHEDULING?

24 MR. GREENE: NO.

25 MR. BERRY: YES, YOUR HONOR. 4:00 P.M.
26 MONDAY, MARCH 16TH, FOR OPPOSITION?

27 THE COURT: LET'S GO OVER THAT AGAIN.

28 ANY ADDITIONAL PLEADINGS, DOCUMENTS

1 IN OPPOSITION TO PENDING MOTIONS, AND SO FORTH,
2 MUST BE FILED BY 4:30 ON MONDAY, MARCH 16TH.

3 ANY RESPONSE THAT ANY OF THE PARTIES
4 WISH TO FILE TO ANY OF THE PLEADINGS FILED ON
5 THE 16TH MUST BE FILED NO LATER THAN 4:30 ON
6 THURSDAY THE 19TH, AND A HEARING ON ALL PENDING
7 MOTIONS, NAMELY MR. YANNY'S MOTION TO INTERVENE
8 AND PLAINTIFFS' MOTION FOR A PRELIMINARY
9 INJUNCTION, WILL BE HEARD IN THIS DEPARTMENT AT
10 9:00 O'CLOCK ON FRIDAY, THE 20TH OF MARCH.

11 MR. GREENE: ONE OTHER HOUSEKEEPING
12 MATTER BEFORE YOU IS MY EX PARTE APPLICATION,
13 THAT I UNDERSTAND IS UNOPPOSED, TO FILE A BRIEF
14 IN EXCESS OF 15 PAGES. CAN WE DEAL WITH THAT
15 NOW?

16 MR. WILSON: NO PROBLEM.

17 THE COURT: LOOKING AT THE DOCUMENTS, A
18 MERE FEW EXTRA PAGES WILL NOT BOTHER ME; SO YES,
19 THAT WILL BE GRANTED.

20 MS. BARTILSON: CAN WE ASK FOR THE SAME
21 COURTESY ON OUR REPLY, YOUR HONOR?

22 THE COURT: YES. LET'S JUST WAIVE THE 15
23 PAGES.

24 MS. BARTILSON: WAIVE IT.

25 MR. WILSON: THAT'S ONE THING WE CAN ALL
26 AGREE ON, YOUR HONOR.

27 THE COURT: I'D RATHER HAVE EVERYTHING IN
28 WRITING SO I CAN READ IT AHEAD OF TIME.

1 MR. GREENE: SO IF I CAN UNDERSTAND WHAT
2 THE ORDER IS WITH RESPECT TO THE T.R.O.:

3 ALL OF THE RELIEF THAT IS BEING
4 SOUGHT BY THE PLAINTIFF IN REGARD TO A
5 PRELIMINARY INJUNCTION IS BEING GRANTED ON A
6 TEMPORARY BASIS EXCEPT FOR ARMSTRONG WORKING IN
7 MY OFFICE?

8 THE COURT: THAT'S CORRECT. THAT'S
9 CORRECT.

10 MR. GREENE: OKAY. AND THEN THE REASONS
11 FOR THAT ARE AS SET FORTH IN THEIR PAPERS AS
12 WELL, I WOULD CONCLUDE.

13 I JUST WANTED TO MAKE SURE THAT I'M
14 RIGHT.

15 THEN ALSO, WOULD THE SCOPE OF THAT
16 ORDER PRECLUDE ARMSTRONG FROM TALKING TO OTHER
17 INDIVIDUALS FOR THE PURPOSE OF OBTAINING
18 EVIDENCE TO DEFEND HIMSELF IN THESE
19 PROCEEDINGS?

20 THE COURT: I'M NOT GOING TO PRERULE ON
21 THAT. YOU CAN USE YOUR OWN JUDGMENT. THE ORDER
22 WILL SAY WHAT THE ORDER SAYS.

23 MR. WILSON: THANK YOU, YOUR HONOR.

24 THE COURT: ONE OTHER THING REGARDING
25 YANNY.

26 I HAVE A PROPOSED ORDER REGARDING
27 THE AMICUS. ARE YOU GOING TO PREPARE ANOTHER
28 FORM OF ORDER, OR DO YOU WANT TO USE THE

1 PROPOSED ORDER?

2 MR. BERRY: THERE SEEMS NO REASON WHY WE
3 CAN'T USE THE PROPOSED ORDER, YOUR HONOR.

4 THE COURT: I'LL JUST TAKE A LOOK AT IT.

5 MS. BARTILSON: MAY I SEE WHAT IT SAYS? I
6 HAVEN'T SEEN IT, YOUR HONOR.

7 THE COURT: ALL RIGHT. THEN I'M GOING TO
8 SIMPLY SIGN THAT ORDER. THAT BRIEF IS TO BE
9 FILED BY 5:00 O'CLOCK ON THE 16TH.

10 MR. WILSON: THANK YOU, YOUR HONOR.

11 MR. GREENE: SO YOUR HONOR, JUST SO THAT
12 I'M CLEAR WITH MR. ARMSTRONG, WE HAVE TO TRY TO
13 GUESS WHAT THE SCOPE OF THE ORDER IS, WHAT HE
14 CAN OR CANNOT --

15 THE COURT: IT'S NOT GUESSING, IT'S
16 INTERPRETING THE ORDER. THAT'S WHAT LAWYERS DO
17 ALL THE TIME.

18 MR. GREENE: I'M AWARE OF THAT.

19 AND ALL I CAN SAY IS I BELIEVE THAT
20 THE COURT IS PUTTING US IN A NIGH IMPOSSIBLE
21 POSITION, BECAUSE ON THE ONE HAND I BELIEVE THE
22 ORDER IS GOING TO SAY ARMSTRONG CAN'T GO AND
23 CONTACT PEOPLE ADVERSE TO SCIENTOLOGY, AS THOSE
24 ARE THE ONLY ONES HE'S GOING TO GET ANY HELP
25 FROM.

26 THE COURT: THE --

27 MR. BERRY: ONE POINT I WANT TO FURTHER
28 CLARIFY:

1 YOUR HONOR JUST MADE A COMMENT ABOUT
2 SOMETHING BY 5:00 P.M. MARCH 16 WITH REGARD TO
3 THE ORDER. WAS THAT A FINAL ORDER?

4 THE COURT: SAY THAT AGAIN.

5 MR. BERRY: YOUR HONOR JUST MADE A
6 COMMENT WHICH I MISSED ABOUT FILING ANOTHER
7 ORDER BY MARCH 16TH. AM I MISHEARING IT?

8 THE COURT: NO. I WAS SAYING YOU HAVE A
9 PROPOSED ORDER. IT SAYS PROPOSED IN THE AMICUS
10 BRIEF. I SAID DO YOU WANT TO PREPARE ANOTHER
11 ONE. YOU SAID NO, SO I SIMPLY SIGNED THE ONE
12 THAT YOU SUBMITTED.

13 MR. BERRY: THANK YOU.

14 MR. WILSON: THANK YOU, YOUR HONOR.

15 MR. BARTILSON: THANK YOU, YOUR HONOR.

16 MR. BERRY: THANK YOU, YOUR HONOR.

17 (WHEREUPON, THE PROCEEDINGS WERE CONCLUDED.)

18
19 --000--
20
21
22
23
24
25
26
27
28

1
2 STATE OF CALIFORNIA)
3 COUNTY OF MARIN) SS.
4
5

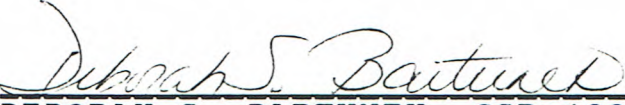
6 I, DEBORAH S. BARTUNEK, DO HEREBY CERTIFY
7 THAT I AM AN OFFICIAL COURT REPORTER OF THE
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN
9 AND FOR THE COUNTY OF MARIN;

10 THAT, AS SUCH, I REPORTED THE PROCEEDINGS
11 HAD IN THE ABOVE-ENTITLED ACTION AT THE TIME AND
12 PLACE SET FORTH HEREIN;

13 THAT MY STENOTYPE NOTES WERE THEREAFTER
14 TRANSCRIBED INTO TYPEWRITING UNDER MY DIRECTION;

15 THAT THE FOREGOING PAGES, NUMBERED 3
16 THROUGH 22, INCLUSIVE, CONSTITUTES THE
17 TRANSCRIPT OF THE PROCEEDINGS HELD ON THE ABOVE
18 MENTIONED DATE, IN THE ABOVE-ENTITLED CASE.

19 DATED: SAN RAFAEL, CALIFORNIA, THIS 4TH
20 DAY OF MARCH, 1992.
21
22

23 
24 DEBORAH S. BARTUNEK, CSR 4822
25
26
27
28